

[Counsel listed on signature page]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOCAL 28 SHEET METAL WORKERS, on
behalf of itself and all others similarly situated,

Plaintiff,

v.

ALZA CORPORATION, a California
Corporation,

Defendant.

CASE NO: 05-CV-4758

Consolidated in MDL No. 1761

**STIPULATION AND ~~[PROPOSED]~~
ORDER DISMISSING PLAINTIFF
LOCAL 28'S COMPLAINT WITH
PREJUDICE**

Honorable Jeffrey S. White

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Local 28 Sheet Metal Workers ("Local 28") and Defendant Alza Corporation ("Alza"), by and through their counsel of record, respectfully submit the present stipulation dismissing Local 28's complaint in Case No. 05-CV-4758 and the consolidated amended complaint in MDL No. 1761. The parties further agree Local 28 and Alza shall bear their own costs associated with the maintenance and defense of Case No. 05-CV-4758 and all actions consolidated in MDL No. 1761. THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. Dismissal with prejudice. Plaintiff Local 28 hereby dismisses with prejudice its complaint in Case No. 05-CV-4758 and currently consolidated with other complaints in the action captioned "In re Ditropan XL Antitrust Litigation, MDL No. 1761," presently pending before this Court. Concurrently herewith, Local 28 shall file a voluntary dismissal with prejudice of the consolidated amended complaint in MDL No. 1761, currently pending before this Court.

2. Costs. Local 28 and Alza shall bear their own costs and fees incurred in the prosecution and defense of Case No. 05-CV-4758 and all actions consolidated in MDL No. 1761. In no event shall any party to Case No. 05-CV-4758 or to MDL No. 1761 be entitled to recover from or be required to pay to any adverse party fees, costs, or any other remuneration emanating out of this

1 action as a result of the instigation, prosecution, defense, or dismissal with prejudice of Case No. 05-
2 CV-4758 and MDL No. 1761.

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4 Dated: December 17, 2007

5 By: _____/s/

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Dated: December 18, 2007

Case No. 05-CV-4758 (MDL NO. 1761)